

**RULES
OF
TENNESSEE DEPARTMENT OF HUMAN SERVICES
TENNESSEE BUSINESS ENTERPRISES**

**CHAPTER 1240-6-4
TRAINING PROGRAM**

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1240-6-4-.01 ENTRY LEVEL TRAINING.

- (1) Referrals and Evaluations for Training.
 - (a) All entry level training for potential managers shall be conducted at a site jointly determined by the agency and Committee. All candidates for the training must be referred by the Vocational Rehabilitation Program of the Department of Human Services. Each candidate will undergo an evaluation to determine skills in math, communications, mobility and independent living.
 - (b) After the evaluation, the TBE Trainer shall interview each candidate and review the evaluation and recommendations of the staff, as well as the results of a psychological examination. Based upon this information, the TBE Trainer will either accept or reject the candidate.
- (2) Generally, the academic material shall cover, but not necessarily be limited to, the following:
 - (a) Randolph-Sheppard Act and the implementing regulations;
 - (b) State law governing the operation of the Tennessee Business Enterprises program and the implementing regulations;
 - (c) Tennessee Business Enterprises Operations Manual;
 - (d) Financial analysis;
 - (e) Inventory control;
 - (f) Record-keeping and reporting;
 - (g) Sales taxes and gross receipt taxes, including, but not limited to, how to calculate the tax liability and when to file the returns;
 - (h) Sufficiency and variety of merchandise and how it should be displayed;
 - (i) Sanitation practices and food contamination;
 - (j) Customer service;
 - (k) Safety;

(Rule 1240-6-4-.01, continued)

- (1) Vending machine instruction;
- (m) Employee/employer taxes and unemployment taxes;
- (n) Insurance coverage, including, but not limited to, public liability, products liability and workers compensation.
- (3) After the candidates have successfully completed all course material as evidenced by test scores, each shall be provided with on-the-job training in the region of the state which is most convenient for the candidate. The agency shall select the manager with whom the candidate shall work and will require the manager to provide progress reports with respect to the candidate's performance. After successfully completing on-the-job training, the candidate shall be issued a license certifying that the candidate is a licensed vendor in the State of Tennessee.
- (4) When the license is issued, the manager shall be certified only in counter service, vending machine operations and a combination of those two areas. If the candidate cannot successfully meet the requirements imposed by the on-the-job training and the agency does not receive a recommendation from the manager selected to conduct the training, the agency shall not issue the license.

Authority: T.C.A. §§4-3-103, 4-5-201 et seq., 14-628, 14-14-404(c), 71-1-105(12), 71-4-604(c), and 34 CFR 395.11. **Administrative History:** Original rule filed August 30, 1978; effective November 29, 1978. Amendment filed November 8, 1979; effective January 29, 1980. Amendment filed March 10, 1989; effective April 24, 1989. Repeal and new rule filed April 27, 1998; effective August 28, 1998. Amendment filed July 20, 2001; effective November 28, 2001.

1240-6-4-.02 CERTIFICATION TRAINING.

- (1) At the beginning of each calendar year, the agency shall publish and circulate to all licensed managers a schedule of training dates for certification in on-site Food Preparation and Cafeteria Management. No dates will be established for training in Vending Machine Operations and is available to those managers who have only certification in counter service or to those managers who have lost this certification prior to the implementation of these rules. It shall be made available to any of these eligible managers within sixty (60) days from the date the agency receives the request.
- (2) The prerequisites for cafeteria management are that the manager have certification in on-site food preparation and must have accrued twelve (12) months of seniority either as a result of a temporary or permanent assignment.

Authority: T.C.A. §§4-5-201 et seq., 71-1-105(12), 71-4-604(c), and 34 CFR 395.11. **Administrative History:** Original rule filed August 30, 1978; effective November 29, 1978. Amendment filed May 25, 1983; effective June 24, 1983. Amendment filed November 6, 1985; effective December 6, 1985. Amendment filed March 10, 1989; effective April 24, 1989. Repeal and new rule filed April 27, 1998; effective August 28, 1998.

1240-6-4-.03 RETRAINING FOR ESTABLISHED MANAGERS.

Retraining for Established Managers. The agency shall provide specially designed retraining courses for managers who request retraining in a specific area which is related to their present facility or which relates to training previously experienced. If the TBE Consultant identifies an area in which the manager has a significant deficiency, and the manager has been advised of steps necessary to correct the deficiencies but the manager fails to do so, the TBE Consultant may refer the manager to TBE Trainer for specific remediation to correct the deficiencies provided that the findings of the TBE Consultant are documented and a copy of the documentation is furnished to the manager. Managers who refuse such retraining may be subject to probation and subsequent termination of license.

(Rule 1240-6-4-.03, continued)

Authority: T.C.A. §§4-5-201 et seq., 14-14-404(c), 71-1-105(12), 71-4-604(c), and 34 CFR 395.11. **Administrative History:** Original rule filed August 30, 1978; effective November 29, 1978. Amendment filed May 25, 1983; effective June 24, 1983. Amendment filed November 6, 1985; effective December 6, 1985. Amendment filed December 11, 1986; effective January 25, 1987. Amendment filed March 10, 1989; effective April 24, 1989. Repeal and new rule filed April 27, 1998; effective August 28, 1998.

1240-6-4-.04 UPWARD MOBILITY.

- (1) Each licensed manager must attend one (1) Upward Mobility Training Class every year in order to maintain his/ her certification(s), unless the manager's certification(s) have otherwise been extended as provided in 1240-6-3-.04(5).
- (2) For purposes of maintaining certification(s), the agency shall, on an annual basis, provide for a minimum of two (2) Upward Mobility Training Classes in each of the major metropolitan cities of Knoxville, Chattanooga, Nashville, and Memphis. Each manager will be required to attend the Upward Mobility Training Class in the city closest to his/her facility. Each class shall last for two (2) days, totaling twelve (12) hours and the classes shall cover but not be limited to a presentation of the latest trends in the food service industry, the newest equipment on the market for the preparation and/or dispensing of food products, customer service, Health Department seminars, IRS presentations, personnel practices and requirements of the Department of Labor.
- (3) Managers choosing to attend Upward Mobility more often than once a year must do so at their own expense.
- (4) Managers who have not accrued any seniority for a period of three (3) years but who are on the Ready-for-Employment List must attend Upward Mobility and Statewide Managers' meetings at their own expense.

Authority: T.C.A. §§4-5-201 et seq., 14-14-404(c), 71-1-105(12), 71-4-604(c), 34 CFR 395.14(b)(5), and 34 CFR 395.11. **Administrative History:** Original rule filed May 25, 1983; effective June 24, 1983. Amendment filed March 10, 1989; effective April 24, 1989. Repeal and new rule filed April 27, 1998; effective August 28, 1998.

1240-6-4-.05 STATEWIDE MANAGERS' MEETING.

The agency and the Committee shall jointly sponsor and develop a statewide meeting for all licensed managers which will be held once annually provided funds are available for the meeting. The development of the agenda shall be a common effort among the agency, the Committee, and other interested managers who desire to make suggestions with respect to topics of common interest. The time and place shall be determined by the agency and the Committee.

Authority: T.C.A. §§4-5-201 et seq., 14-1-105, 14-14-301, 14-14-404(c), 71-1-105(12), 71-4-604(c), 34 CFR 395 and 34 CFR 395.11. **Administrative History:** Original rule filed May 25, 1983; effective June 24, 1983. Amendment filed March 10, 1989; effective April 24, 1989. Repeal and new rule filed April 27, 1998; effective August 28, 1998.

1240-6-4-.06 REIMBURSEMENT.

The agency shall reimburse all licensed managers who participate in certification training, upward mobility, and/or statewide managers meetings for travel, lodging, and meals in accordance with Tennessee Comprehensive Travel Regulations.

Authority: T.C.A. §§71-1-105(12), 71-4-604(c), and 34 CFR 395.11. ***Administrative History:*** Original rule filed March 10, 1989; effective April 24, 1989.

1240-6-4-.07 POST-EMPLOYMENT SERVICES.

The agency will make available post-employment services to all licensed managers to ensure that each has the opportunity to achieve maximum vocational potential. Such services shall be provided by the agency's vocational rehabilitation program.

Authority: T.C.A. §§71-1-105(12), 71-4-604(c), 71-4-105, 71-4-301, and 34 CFR 395.11. **Administrative History:** Original rule filed March 10, 1989; effective April 24, 1989.

1240-6-4-.08 AGENCY ASSURANCES.

Pursuant to the Vocational Rehabilitation Act of 1973, as amended, the agency shall ensure that effective programs of vocational training and other services are provided to blind persons as vocational rehabilitation services, and the agency specifically ensures that all candidates applying for, or participating in, entry level training, certification training, retraining, and upward mobility programs shall not be subjected to discrimination on the basis of race, sex, age, physical or mental impairment, creed, color, national origin, religion, or political affiliation.

Authority: T.C.A. §§71-1-105(12), 71-4-604(c), and 34 CFR 395.3(11). **Administrative History:** Original rule filed March 10, 1989; effective April 24, 1989.